

VZCZCXRO0995
RR RUEHMA RUEHPA
DE RUEHMA #1005/01 3431637
ZNR UUUUU ZZH
R 081637Z DEC 08
FM AMEMBASSY MONROVIA
TO RUEHC/SECSTATE WASHDC 0590
RUCPDO/USDOC WASHDC
INFO RUEHZK/ECOWAS COLLECTIVE

UNCLAS SECTION 01 OF 02 MONROVIA 001005

SIPDIS

COMMERCE FOR CLDP STEVE GARDNER AND SALIHA LOUCIF

E.O. 12598: N/A

TAGS: [KIPR](#) [ETRD](#) [EAID](#) [ECON](#) [LI](#)

SUBJECT: LIBERIA: SOLID IPR FRAMEWORK; NO ENFORCEMENT (YET)

¶1. Summary: The Liberia Copyright Office (LCO) plans to launch a national anti-piracy program and is requesting USG support. Liberia has a robust legal framework to support intellectual property protection but requires an effective law enforcement and judicial capacity to enforce it and broader public education on IPR. While Liberians will have to work out issues of jurisdiction, funding and policy, the USG could assist by gearing our support for the judicial sector towards commercial courts that understand IPR; by providing training as the IPR protection entities find their footing; and by encouraging awareness of IPR in training of law enforcement officers. Liberia is not yet on the USG IPR protection radar screen, but piracy is rampant and the GOL would like our assistance in fighting it.

A good foundation but...

¶2. Liberia has a solid copyright law but counterfeit goods are rampant. Schools, including the University of Liberia, routinely copy books. Radio and television stations do not pay royalties. The manager of DSTV told the Embassy that only one of Liberia's six TV stations pay for the right to rebroadcast their programs (REAL TV), but all stations are rebroadcasting and there is little they can do about it. Counterfeit drugs are prevalent. DVDs and cassettes are peddled on the streets for \$5 each. Some illegal copying of music and movies is done domestically, but most pirated DVDs and other media are imported from neighboring countries and China.

¶3. Liberia is a member of the World Intellectual Property Organization (WIPO) and a contracting party to international conventions and treaties on the protection of intellectual and industrial property rights, including the Berne, Paris, Lisbon, Vienna and Washington conventions and the Madrid Agreement. However, there is little awareness among the public, law enforcement officers or even writers and artists of the provisions of the law, and no capability for the judicial system to enforce infringements. There is no funding budgeted for dues to WIPO or other organizations.

Copyright: Struggling along

¶4. The Liberia Copyright Office plans to launch a national anti-piracy program in February 2009, but is having trouble securing funding and support. Its 2008-09 budget of \$70,000 is almost double that of previous years but is only a fraction of the requested \$300,000. The \$39,000 received in previous years covered maintenance and salaries, but not operations. The LCO purchased its first computer in 2007, and uses it to record registrations. Copyright registrations are filed in a slim binder and kept in a locked closet. The Copyright Law was passed in 1997.

Industrial Property: Part of the Archives

¶5. The Industrial Property Office, responsible for registering patents and trademarks, names, and industrial designs, is housed in

the Ministry of Foreign Affairs under the jurisdiction of the Legal Department. It shares space with the remnants of the land archives and the corporate registry. The office is authorized 23 full time positions but was given a budget of \$11,900 for salaries. Its total 2008-09 budget of \$29,373 is lower than the previous year, and the IPO's objective, as stated in the budget description, is registering 15 new companies and corporations. The Industrial Property Law, covering patents and trademarks, was passed in 2003 but is in legislative limbo until the GOL figures out how to counter the fact that the 1972 law it supersedes was never officially repealed.

Progress so far

16. Despite the lack of funding for and awareness of IPR issues, there has been progress. The new Minister of Commerce told the Ambassador in a December 4 meeting that the GOL plans to consolidate IPR policy, and has received some assistance from WIPO. The GOL decreed that as of January 10, 2008, all imports of intellectual property must be so identified on the import permit (rather than being identified as "general merchandise"). All businesses dealing in intellectual property must reflect that on their business registration form. LCO officials told us they have been requesting GOL permission to approach the U.S., Ghanaian, and Nigerian embassies for anti-piracy assistance, as they believe those countries are the source of many of the goods being pirated.

17. The Musicians Union held an IPR awareness seminar October 29-30 that attracted 200 people and gained some press coverage, and articles supporting IPR protection occasionally appear in the press. Liberia's movie industry reportedly brought in \$200 million a year, before the war, and is enjoying a modest resurgence, with prize

MONROVIA 00001005 002 OF 002

winners such as "Iron Ladies of Liberia" and "Pray the Devil Back to Hell" gaining international recognition.

18. Following the October seminar, LCO has stepped-up efforts to protect the rights of artists and has announced launch of a national anti-piracy campaign starting February 15, 2009. The LCO has notified the Embassy that, despite the lack of requested GOL funding, they are proceeding with purchase of 500,000 hologram stamps to begin labeling legitimate media, primarily music and movies. They have requested USAID support for unfunded goals such as training of monitors, customs and enforcement officers; purchase of vehicles and sub-offices; and travel funds. They anticipate the direct and indirect revenue would more than cover the cost of starting the campaign.

The problems

19. There are schisms among IPR advocates. The elements of IPR protection remain physically scattered, with offices in the Ministry of Commerce, the Ministry of Finance (copyright) and the Ministry of Foreign Affairs (industrial property). Within the IPR community, there are differences in approach between lawyers and creators. Even within the creative community, there are some, including leaders, who are considered to have "sold out" to pirates and have a hidden agenda that hampers progress. The overarching obstacle, however, is the lack of law enforcement or judicial capacity to enforce IPR laws, the lack of public awareness of the importance of IPR protection, and the lack of funding to address those problems.

How we can help

110. Liberia has a solid IPR foundation but enforcement is non-existent. While there are vested interests who will oppose a crackdown on piracy, there is support in the government and media for better protection. We should not fund vehicles or offices, but the USG could be helpful in helping the LCO design and implement a sustainable (and fair) enforcement regime that protects indigenous and imported works while increasing revenue. We can also encourage incorporating awareness of IPR issues into training for legal and law enforcement officials, and encouraging media organizations to budget for royalties as appropriate.

